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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,332	10/01/1999	EDWARD B. KNUDSON	UV-111	6723
7590	04/20/2005		EXAMINER	
WALTER M EGBERT III FISH & NEAVE 1251 AVENUE OF THE AMERICAS NEW YORK, NY 100201104			LONSBERRY, HUNTER B	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/410,332	KNUDSON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Hunter B. Lonsberry	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 March 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-80 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

In view of the newly added limitation of "...wherein the simple categories and combination categories are simultaneously selectable from the selectable list," the examiner cites U.S. Patent 5,252,121 to Young.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 12-14, 16, 17, 19-26, 28, 33-35, 37, 38, 40-47, 49, 54-57, and 59-  
<sup>are</sup>  
62 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 5,353,121 to Young.

Regarding claims 1, 43, and 62, Florin discloses an interactive television program guide system in which an interactive television program guide is at least partially implemented on user equipment of a user, comprising:

means for supplying program listings to the interactive television program guide (digital channel 100 providing day by day data, column 10, lines 45-66);

means for supplying information on certain simple categories of programming and certain combination categories of programming that are associated with the program listings (column 10, lines 62-66, figure 29, sports category with subcategories for baseball 315 and football 317);

means for searching for program listings with the means for displaying television program guide that match a given category selected from the selectable list by the user (figures 28-30, a user clicks on a category button and program listings 360 are displayed, column 18, lines 21-column 19, line 1) and

displaying the matching program listings with the interactive television program guide on the user equipment (figure 28-30).

Florin fails to disclose means for displaying a selectable list simultaneously displaying both the simple categories and the combination categories on the user equipment with the interactive television program guide, wherein the simple categories and combination categories are simultaneously selectable from the selectable list.

Young discloses in figures 14-17 a number of categories (movies, sports, specials, TV fair), with a number of sub categories (figure 14, comedy, documentary, drama/romance) which are simultaneously selectable from the searchable list (column 14, line 47-column 15, line 52, a user may select a movie or sports category, or may select a sub category, movies/documentary), thus enabling a user to easily browse programs by enabling a user to refine a search to a desired degree.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to utilize the simultaneous category display of Young, thus

enabling a user to easily browse programs by enabling a user to refine a search to a desired degree.

Regarding claims 2, 23, 44, and 63, Florin discloses in Figures 3 and 22-32, an electronic program guide system that organizes programming by subcategory/subcategory, Figure 3b discloses that the category information is transmitted from the headend.

Regarding claims 3, 24, 45, and 64, Florin discloses in Figures 3 and 22-32, an electronic program guide system which organizes programming by hierarchical subcategory/subcategory listings, a user may navigate a general category prior to the sub categories (column 10, lines 33-column 11, line 14).

Regarding claims 4, 25, 46, and 65, Florin discloses in Figures 27-31, displaying only the matching program listings.

Regarding claims 5, 26, 47, and 66, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non matching listings (column 19, lines 13-34).

Regarding claims 7, 28, 49, and 68, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non matching listings (column 19, lines 13-34).

Regarding claims 12, 33, 54, and 73, Florin discloses in Figure 31, a frequently view category listing which prioritizes listed content based upon how often a user watches a program (column 19, lines 25-47).

Regarding claims 13,14, 34, 35, 55, 56, 74 and 75, Florin discloses in Figures 30-32 a number of favorite categories, which may be personalized (column 19, line 4—65).

Regarding claims 16 and 37, Florin discloses in Figure 1, that the user equipment is user TV equipment.

Regarding claims 17, 38, 57, and 76, Florin discloses in Figures 3a/b that EPG information is provided by a cable provider (column 10, lines 33-66).

Regarding claims 19, 40, 59, and 78 Florin discloses in Figure 28, Sports category 315.

Regarding claims 20-21, 41-42, 60-61, and 79-80, Florin discloses in Figure 29, a sub category sports: baseball, which has a number of program listings.

Regarding claim 22, Florin discloses an interactive program guide system comprising:

an interactive television program guide system in which an interactive television program guide is at least partially implemented on user equipment (user STB receives program listings via a digital channel 100, column 10, lines 45-66, column 11, lines 5-14)

the equipment configured to display a selectable list simultaneously displaying simple categories and combination categories (column 10, lines 62-66, figure 29, sports category with subcategories for baseball 315 and football 317) and enables a user to search for program listings 361 (figure 28) that match a given category selected from the selectable listings by the user and display the matches to the user (figures 28-30),

distribution equipment (service provider 50 that supplies data via a digital channel 100 (column 10, lines 45-66) configured to supply the simple categories and combination categories of programming.

Florin fails to disclose means for displaying a selectable list simultaneously displaying both the simple categories and the combination categories on the user equipment with the interactive television program guide, wherein the simple categories and combination categories are simultaneously selectable from the selectable list.

Young discloses in figures 14-17 a number of categories (movies, sports, specials, TV fair), with a number of sub categories (figure 15, professional, collegiate, championship) which are simultaneously selectable from the searchable list (column 14, line 47-column 15, line 52), thus enabling a user to easily browse programs by enabling a user to refine a search to a desired degree.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to utilize the simultaneous category display of Young, thus enabling a user to easily browse programs by enabling a user to refine a search to a desired degree.

3. Claims 6, 27, 48 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 5,353,121 to Young and in further view of U.S. Patent 5,987,448 to Evans.

Regarding claims 6, 27, 48, and 67, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non matching listings (column 19, lines 13-34).

The combination of Florin and Young does not disclose the use of a distinctive color for matched programming, but instead uses a check mark (young, Figure 30).

Evans discloses a search engine, which scans documents and highlights search terms in different colors (column 2, lines 19-36, column 5, line 31-column 6, line 31), thus making it easy for a user to find programming of interest.

Art Unit: 2611

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin and Young to use a distinctive color to indicate a match as taught by Evans, thereby allowing a user to readily find programming that matches their interests.

4. Claims 8-11, 29-32, 50-53, and 69-72, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 5,353,121 to Young in further view of the Bookmark Management article.

Regarding claims 8-11, 29-32, 50-53, and 69-72 Florin shows in Figure 30, a number of programs, which displays matched favorites and marked programs along with non-matching listings (column 19, lines 13-34).

The combination of Florin and Young does not disclose a user rearranging the order of items on a list and deleting a programming category and redisplaying the list.

The Bookmark Management article disclose that bookmark entries may be deleted by a user and that a user may re organize them by adding a folder within the menu, naming that folder and then reordering the entries by highlighting them and dragging them into the folder so that a user doesn't have a long unwieldy list of websites, thus enabling a user to personalize the list and display content that the user is interested in.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin and Young to allow a user to delete and reorder categories and listings as taught by the Bookmark Management, thereby

enabling a user to personalize the program guide and only display content that they are interested in.

5. Claims 15 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 5,353,121 to Young in further view of U.S. Patent 6,208,384 to Schultheiss.

Regarding claims 15 and 36, Florin discloses that the receiver may be a set-top-box with CPU 63, memory 65 and cd-rom 70 (column 9, line 59-column 10, line 20) and that EPG information is provided by a cable provider (Figures 3a/b, column 10, lines 33-66).

The combination of Florin and Young does not disclose a system where the user equipment is a personal computer.

Schultheiss discloses a personal computer with an external interface card 16, which interfaces with a cable system 18a, internet system 18b, and satellite system 18c, a user may view a program guide on a PC and a tuner card is utilized to view a program on the PC (column 5, lines 1-10, column 7, line 51-column 8, line 2), thus taking advantage of low cost hardware and the ability to connect to multiple networks.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin and Young to utilize a personal computer, thus taking advantage of low cost hardware and the ability to connect to multiple networks.

Art Unit: 2611

6. Claims 18, 39, 58 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 5,353,121 to Young in further view of U.S. Patent 6,437,836 to Huang.

Regarding claims 18, 39, 58 and 77, Florin discloses that the receiver may be a set-top-box with CPU 63, memory 65 and cd-rom 70 (column 9, line 59-column 10, line 20) and that EPG information is provided by a cable provider (Figures 3a/b, column 10, lines 33-66).

The combination of Florin and Young does not disclose transmitting EPG information via the Internet.

Huang discloses that EPG data may be transmitted via the World Wide Web and may be user customized (column 3, lines 13-40), thus enabling a user to view program listings even if their cable connection is severed.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin and Young to receive program listings via the internet as taught by Huang, thus enabling a user to view program listings even if their cable connection is severed.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2611

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

A handwritten signature in black ink, appearing to read "Hai Tran", is written over two parallel diagonal lines.

HAI TRAN  
PRIMARY EXAMINER